

RECEIVED
CENTRAL FAX CENTER

NOV 13 2007

PTO/SB/07 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

USPTO Fax No.: (571) 273-8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on Nov. 13, 2007.

Date


Signature

Judith Mongelluzzo

Typed or printed name of person signing Certificate

302-992-5835

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

09/833452

AD6728USNA

Amendment After Final Rejection

Attachment I - FILMS, ORIENTATION; Encyclopedia of Polymer Science & Technology, Vol. 2, pages 563-565.

Attachment II - THERMOFORMING; Encyclopedia of Polymer Science & Technology, Vol. 8, Pages 222-251.

Page 1 of 45

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

NOV. 13. 2007 1:32PM

RECEIVED
CENTRAL FAX CENTER

NO. 9183 P. 2

NOV 13 2007

PATENT

RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
Randall Allen Vogel et al

CASE NO.: AD6728USNA

SERIAL NO.: 09/833,452

GROUP ART UNIT: 1773

FILED: 04/12/2001

EXAMINER: Monique R. Jackson

FOR: Multilayer, Co-Extruded, Ionomeric Decorative Surfacing

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed 10/11/2007, applicants submit the following remarks.

Rejection of claims 69-72 under 35 USC 102(e) over Smith (US6319438)

According to the Board of Patent Appeals and Interferences (Board), a generic chemical formula will anticipate a claimed species covered by the formula when the species can be "at once envisaged" from the formula. When the compound is not specifically named, but instead it is necessary to select portions of teachings within a reference and combine them. MPEP 2131.02.

Applicants' claims are not compounds, but the reasoning is applicable here.

MPEP 2131.03 sets forth guidelines to determine whether an allegedly anticipatory reference describes the claimed invention with "sufficient specificity to constitute anticipation under the statute". The key factors in these guidelines comport substantially with the rule of *Peterson* (see MPEP2131.02). Specifically, the cited reference may be deficient if it describes a range that overlaps or encompasses the claimed range; if the range described in the cited reference is broad and the claimed range is narrow; if the cited reference includes no examples that are within the claimed range; and if there is evidence of unexpected results within the claimed range. Furthermore, "[t]he unexpected results may also render the claims unobvious".